

FISCAL NOTE

TO: Chief Clerk of the Senate
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 3, 1995

SUBJECT: **HB 1 - SB 377**

This bill, if enacted, will allow only one post-conviction petition, place a time limit on the filing of post-conviction petitions, and establish procedures and time limits for processing of post-conviction petitions. Trial courts will be required to dispose of capital cases within one year of the filing of the petition. Restrictions are imposed on the issuance of stays of executions of capital cases. The Supreme Court will be authorized to promulgate rules that facilitate the participation of public defenders in capital post-conviction cases, including the creation and staffing of a unit specifically designed to handle such cases.

The fiscal impact from enactment of this bill is estimated to be a net increase in state expenditures due to the expedited post-conviction procedure; however, the amount of such increase cannot reasonably be determined but is estimated to be not significant.

Enactment of this bill is also estimated to result in an increase in recurring state expenditures of \$1,806,000 and one-time state expenditures of \$275,000 for creation and staffing of a special unit of

public defenders to handle post-conviction capital cases. Details are as follows:

RECURRING:

1 Division Chief	\$ 88,000	
10 Capital P.C. Attorneys	830,000	
3 Division Investigators	129,000	
3 Mitigation Specialists	111,000	
3 Paralegals	93,000	
5 Legal Secretaries	<u>115,000</u>	
TOTAL PERSONNEL		\$1,366,000
Travel	125,000	
Office Expense (Rent, Telephone, Supplies)	150,000	
Law Library Subscriptions	15,000	
Expert Services Fund	<u>150,000</u>	
TOTAL OTHER		<u>440,000</u>
TOTAL RECURRING		<u>\$1,806,000</u>

ONE-TIME:

Furniture, Computers	\$ 250,000	
Law Library	<u>25,000</u>	
TOTAL ONE-TIME		<u>\$ 275,000</u>

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director